

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Comm South Companies,
Inc. (U-5943-C) and Arbros
Communications, Inc. for Approval of
Transfer of Control to Arcomm
Holding Co.

Application 02-11-027
(Filed November 15, 2002)

OPINION MODIFYING DECISION 05-10-005

1. Summary

Decision (D.) 05-10-005 is modified to designate SBC Long Distance, LLC (SBC LD) as the interLATA carrier for two customers.

2. Background

D.05-10-005 ordered Pacific Bell Telephone Company d/b/a SBC California (SBC CA) to take over the provision of intrastate long-distance telephone service for two customers from a carrier with a revoked certificate of public convenience and necessity (CPCN). The Decision also required SBC CA to (1) notify the affected customers about the change in carriers, and (2) implement the transfer of telephone service without charge to the affected customers.

On November 4, 2005, SBC CA and SBC LD (collectively, SBC) filed a joint petition to modify D.05-10-005 pursuant to Rule 47 of the Commission's Rules of Practice and Procedure (Rules). The petition states that SBC CA cannot comply

with D.05-10-005 because SBC CA does not provide interLATA service. To rectify the situation, the petition states that SBC LD, a structurally separate affiliate that provides interLATA service, will take over the two accounts voluntarily if D.05-10-005 is modified to authorize SBC LD to do so.

There is no opposition to the SBC's petition.

3. Discussion

SBC's unopposed petition to modify D.05-10-005 is granted. In accordance with D.05-10-005, as modified by today's Decision, SBC LD shall do the following:

- Take over the provision of interLATA long-distance service for the two customers that are the subject of D.05-10-005.¹
- Mail a written notice to the billing addresses for the two customers that contains the following information:
 - Pursuant to a Commission order, SBC LD will replace Arbros Communications Licensing Company of California, LLC (ACLCC) as the designated provider of interLATA long-distance service.
 - SBC LD will start providing service 30 days after the date the notice is mailed.
 - A description of the service to be provided by SBC LD and the charges and fees associated with such service.
 - A statement that the customer may switch to another carrier.
 - A toll-free telephone number where the customer can obtain information about SBC LD's services, rates, and charges.

¹ The transfer of intrastate long-distance service for the two customers is not subject to Pub. Util. Code § 2889.5. This statute requires, among other things, that a third party verify a customer's decision to switch long-distance carriers in order to prevent slamming. Here, the Commission is ordering the transfer, so there is no need for third-party verification of the transfer.

- Mail the required notice to the two customers no later than 30 days from the effective date of today's Decision.
- File a copy of the notice at the Commission's Docket Office.
- Implement the transfer of telephone service without charge to the affected customers.

There is no need for SBC LD to provide interLATA service to a customer if the customer switches to another carrier within 30 days from the effective date of today's Decision. In this situation, the previously described compliance filing should state that SBC LD did not mail the notice to one or both customers because the customer(s) had already switched to a carrier other than ACLCC.

4. Waiver of Comments on the Draft Decision

This is an uncontested matter in which the decision grants the relief requested. Therefore, the otherwise applicable 30-day period for public review and comment has been waived pursuant to Pub. Util. Code § 311 (g)(2) and Rule 77.7(f)(2).

5. Assignment of Proceeding

Geoffrey F. Brown is the Assigned Commissioner and Timothy Kenney is the assigned ALJ in this proceeding.

Findings of Fact

1. D.05-10-005 requires SBC CA to (i) take over the provision of intrastate long-distance telephone service for two customers from a carrier with a revoked CPCN, and (ii) provide notice to the two customers about the change in carriers.
2. SBC CA does not provide interLATA long-distance service.
3. SBC LD is authorized to provide interLATA long-distance service.
4. SBC's petition to modify D.05-10-005 seeks to have SBC LD assume SBC CA's obligations under the D.05-10-005.

5. There is no opposition to SBC's petition to modify D.05-10-005.

Conclusions of Law

1. SBC's petition to modify D.05-10-005 should be granted.
2. SBC LD should file at the Commission's Docket Office a copy of the written notice described in the body of this Decision.
3. The following Order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The petition to modify Decision (D.) 05-10-005 that was jointly filed by Pacific Bell Telephone Company d/b/a SBC California (SBC CA) and SBC Long Distance, LLC (SBC LD) is granted.
2. Within thirty (30) days from the effective date of this Order, SBC LD shall mail to the billing addresses for the two customers discussed in the body of this Order and D.05-10-005 a written notice that contains the information specified in the body of this Order.
3. The following shall occur thirty days (30) days after the notice described in Ordering Paragraph 2 is mailed:
 - i. SBC LD shall take over the provision of interLATA long-distance telephone service for the two customers.
 - ii. SBC CA shall revise its records to remove Arbros Communications Licensing Company of California, LLC (ACLCC) as the designated intrastate long-distance carrier for the two customers.

4. Within forty five (45) days from the effective date of this Order, SBC LD shall file at the Commission's Docket Office a copy of the written notice described in Ordering Paragraph (OP) 2.

5. The transfer of the interLATA long-distance service for the two customers to SBC LD shall be implemented without charge to the affected customers.

6. The requirements of OPs 2 and 3(i) shall not apply with respect to a customer who switches to a carrier other than ACLCC within thirty (30) days from the effective date of this Order. In this situation, the compliance filing required by OP 4 shall state that SBC LD did not mail the notice to one or both customers because the customer(s) had already switched to another carrier.

7. Application 02-11-027 is closed.

This order is effective today.

Dated _____, at San Francisco, California.